

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

No. 04-10644-MEL

LINDA MELLEN,
Plaintiff,

v.

TRUSTEES OF BOSTON
UNIVERSITY and FRANCES
A. DROLETTE,
Defendants.

**PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS FROM
DEFENDANT UNIVERSITY, REQUEST NO. 5**

Plaintiff Linda Mellen moves to compel the defendant University's production of documents responsive to her First Request for Production of Documents, Request No. 5.¹

As set out in the accompanying Memorandum, plaintiff – an exemplary employee of the defendant University for 20+ years – was terminated because she did not report to work on November 19, 2003. Plaintiff alleges that she was privileged under Federal and state law to be on family leave that day, whereas defendants contend that her absence effectively represented her resignation.

Plaintiff's Request No. 5 relates to information regarding University employees who were disciplined for not returning to work on their first return-to-work date after taking leave. Responsive documents are reasonably likely to establish whether the plaintiff, who was absent on family leave, was treated comparatively harsher than

¹ The full text of plaintiff's Request No. 5 is set out in her Memorandum. Further, the Request and the University's response are attached at Tab 1 and 2, respectively, to the Memorandum.

DOCKETED

*Plaintiff's Motion Granted.
November 2, 2004
USDT
10/19/04*